

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

ARICE HAWTHORNE,)
)
Plaintiff,)
)
v.) Case No. 5:24-cv-00592-MHH-SGC
)
DEBRA KIZER, *et al.*,)
)
Defendants.)

MEMORANDUM OPINION

The magistrate judge entered a report on December 18, 2024, recommending the claims in this matter be dismissed under 28 U.S.C. § 1915A(b). (Doc. 11). The magistrate judge advised Mr. Harthorne of his right to file written objections within 14 days. (Doc. 11). To date, the Court has not received objections.

Having reviewed the materials in the Court's electronic docket, the Court adopts the magistrate judge's report and accepts her recommendation. Consistent with that recommendation and 28 U.S.C. § 1915A(b), the Court dismisses Mr. Hawthorne's official capacity claims for monetary damages based on Eleventh Amendment sovereign immunity. The Court dismisses Mr. Hawthorne's claims against Madison County Circuit Judge Donna Pate based on the doctrine of judicial immunity. The Court dismisses the claims for malicious prosecution based on the *Heck* doctrine. The Court dismisses Mr. Hawthorne's Fourth Amendment search

and seizure claim as time-barred and his § 1983 claim against attorney Chris Messervy because Mr. Hawthorne has not alleged that his attorney was not acting under color of state law.

The Court will enter a separate final judgment.

DONE and **ORDERED** this January 16, 2025.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE